



Department of Public Safety and Correctional Services

Office of the Secretary

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STATE OF MARYLAND

ROBERT L. EHRLICH, JR.
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MARY ANN SAAR
SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY

MARY L. LIVERS, Ph.D.
DEPUTY SECRETARY

January 30, 2006

The Honorable Joan Cadden
Chair, House Subcommittee on Public Safety and Administration
Room 410B, Lowe House Office Building
Annapolis, Maryland 21401-1991

RE: Department of Public Safety and Correctional Services
FY 2007 Budget Overview – Response to Issues

Dear Delegate Cadden:

Attached for your reference is the Department's discussion pertaining to issues in the DPSCS FY 2007 Budget Overview analysis.

I hope this information is responsive to the issues and concerns that were raised by the analyst. Let me extend my sincere thanks to you and the Subcommittee for your ongoing interest in and continuing support for the Department of Public Safety and Correctional Services. I welcome the opportunity to provide additional information and assistance should you have any questions with respect to this issue.

Sincerely,

Mary Ann Saar
Secretary

c: G. Lawrence Franklin, Deputy Secretary for Administration, DPSCS
Mary L. Livers, Ph.D., Deputy Secretary for Operations, DPSCS
Richard B. Rosenblatt, Assistant Secretary for Treatment Services, DPSCS
David N. Bezanson, Assistant Secretary for Property Services, DPSCS
Jacqueline Lampell, Executive Director for Communications, DPSCS
Rhea L. Harris, Director, Office of Legislative Affairs, DPSCS
Elizabeth Moss, Staff, House Subcommittee on Public Safety and Administration
Robert Berkey, Budget Analyst, Office of Budget Analysis, DBM
Keri Beth Cain, Policy Analyst, DLS

DIVISION OF CORRECTION
DIVISION OF PAROLE AND
PROBATION

DIVISION OF PRETRIAL
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION
ON CORRECTIONAL
STANDARDS

CORRECTIONAL TRAINING
COMMISSION

POLICE TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

Issue: The Department should be prepared to discuss the status of the various lawsuits and court orders pertaining to DPDS.

Response:

The following represent all the legal matters in which the Department is involved pertaining to the Division of Pretrial Detention and Services (DPDS).

Duvall v. Ehrlich

This case involves the reopening of a portion of a 1993 consent decree involving conditions at the Baltimore City Detention Center (BCDC). More specifically, the American Civil Liberties Union (ACLU) petitioned the federal court to reopen the decree as to issues concerning the quality of medical and mental health care as well as sanitation conditions at BCDC.

Currently, we are in the midst of discovery that is expected to be ongoing with the plaintiffs' experts just having completed tours of the facility. Production of additional documents is also underway. Motions for summary judgment are due to the Court in May 2006. However, no evidentiary hearing has yet been scheduled.

United States Dept. of Justice (DOJ) Investigation

In 2000, the DOJ initiated an investigation concerning conditions at BCDC. DOJ experts toured the facility in 2000-2001, and in 2002 DOJ submitted a "findings" letter indicating that there were constitutional violations at BCDC. The alleged violations were in the areas of medical care, mental health care, fire safety, sanitation, treatment of juveniles, special education programming, and general correctional matters such as staffing, classification, and use of force.

Negotiations with the DOJ ensued and have continued in an effort to reach a written letter of agreement. In late 2005, DOJ experts again toured the facility, and DOJ has just submitted a new proposed agreement. This agreement is currently under review by the Department.

Issue: The Department should be prepared to comment on its population management efforts in the face of chronic over-crowding.

Response:

Chronic crowding continues to present difficult challenges to effective management of the offender population. All institutions were designed for single cell occupancy, but with the exception of the Maryland Correctional Adjustment Center, they are for the most part housing two inmates per cell. In addition, there are inmates who are still housed in non-conventional housing such as dormitories or Quonset hut housing in both medium and maximum security institutions. While these accommodations are currently necessary to deal with the number of offenders in the custody of the Division of Correction, these non-conventional housing arrangements create conditions that are highly undesirable. The Department's current and future capital construction projects are necessary to enable the Department to better house and manage the prisoner population.

In March 2006, the Department will open an additional 140 minimum-security beds at Eastern Correctional Institution and in November 2006, North Branch Correctional Institution (NBCI) will become fully functional as a maximum-security prison with 512 cells. Funding for the construction of NBCI housing unit #3 has been authorized and construction will commence around April 2006 for the next 256-cell housing unit. The Department plans to continue the build-out of NBCI with housing unit #4 with bond funds authorized by this legislative session and begin construction of housing unit #4 in June 2006. NBCI will provide modern, secure maximum-security housing, allowing for more efficient management of the maximum-security population.

The Department's master plan for capital improvements also includes replacement housing at Maryland Correctional Training Center with a 192-cell, medium-security housing unit to replace Quonset hut housing at that institution. The design is currently underway and construction funds will be sought upon completion of design. The Department is also focusing on infrastructure and renovation of support services in the kitchens at Central Laundry and Brockbridge Correctional Facility. Also recently completed are a medical support services building and Maryland Correctional Enterprises shops at the Maryland Correctional Institution for Women in Jessup.

In addition to the Division of Correction projects for expansion of housing and programs and support space, the Department is seeking the renovation of fire-safety and cell plumbing improvements at the Patuxent Institution. These projects provide more program space and improvement to our current housing for inmates that allow the Department to more effectively manage the prison population through better programming and up-to-date facilities.

Issue: In light of the number of unnecessary vacancies in the Department, DLS recommends that the 31 new positions and associated funds be deleted. DLS further recommends that existing department PINs be converted to replace the requested positions.

Response:

The Department provides the following clarification to the issue of vacancies within the Department.

- ♦ Based upon departmental vacancy reports, the Department has 1,030 vacant positions as of December 31, 2005.
- ♦ Current vacancies include 192.0 authorized positions to staff new facilities at North Branch Correctional Institution; these positions must be filled prior to the opening of housing unit #2 and the support services building.
- ♦ The budgeted turnover rate in the Department's fiscal year 2007 allowance is 6.92% which requires that an average of 750 positions remain vacant to meet budgeted turnover.
- ♦ Current vacancies include 770 positions that are essential to support day-to-day institutional operations and are involved in the direct supervision of inmates. Moreover, these positions are necessary to meet required staffing levels, and if vacancies are not filled, overtime will be incurred. These positions are directly impacted by the Governor's proposed salary adjustment which is anticipated to provide better recruitment and retention results.
- ♦ In addition, current vacancies include 70 parole and probation positions directly involved in the supervision of offenders in the community. The Division of Parole and Probation is currently recruiting for an agent class to commence in May 2006.
- ♦ The Department believes that, within the next twelve months, the number of vacant positions will be reduced below the number required to meet budgeted turnover.

The Department, therefore, requests that the Subcommittee reject the analyst's recommendation.

Issue: The Department should be prepared to discuss the reliability of its budget proposal for DPDS for fiscal 2006 and 2007.

Response:

The necessity to reallocate general funds to the Division of Pretrial Detention and Services (DPDS) at closeout in fiscal years 2004 and 2005 was largely driven by unanticipated increases in average daily population (ADP) above budgeted levels. In addition, the rise in the costs for fuel and utilities, inmate medical care, and more recently, employee and retiree health insurance significantly impacted expenditures above budgetary appropriations. These are issues beyond the control of the Department and difficult to project with accuracy.

Additional funds were required to eliminate deficits in (1) salaries, wages and fringe benefits, including overtime; (2) communications; (3) increased fuel and utility costs for steam and electrical services; (4) contractual services (including inmate medical care, inmate food services, and contractual repairs and maintenance); and (5) materials and supplies.

The Department has made significant adjustments in the general fund allocation to DPDS during the preparation of the fiscal year 2006 and 2007 budgets in an attempt to address these rising operating costs. A comparison of the fiscal year 2007 allowance with the fiscal year 2005 appropriation showed an additional \$21.1 million in general funds has been allocated to DPDS to address deficiencies noted in fiscal years 2004 and 2005, including (1) \$12.8 million in salaries wages and fringe benefits, which includes \$894,000 in overtime; (2) \$137,000 in communications, (3) \$1.25 million in fuel and utilities, (4) \$1.1 million for contractual food service, (5) \$573,000 for contractual repairs and maintenance, (6) \$4.05 million for inmate medical care, and (7) \$385,000 for inmate-related materials and supplies.

Based on currently available information, the Department believes that the fiscal year 2006 appropriation and fiscal year 2007 allowance for DPDS will be adequate to address the operating needs of the Division. However, with the continuing rise in the costs for fuel and utilities, inmate medical care, employee and retiree health insurance, and the inability to predict maintenance needs in an aging facility, there can be no absolute guarantee that future funding transfers will not be required.

Issue: The Department should be prepared to discuss what adjustments have been made to the fiscal 2007 allowance to prevent the same health care reversions from occurring again.

Response:

Employee and retiree health insurance is managed by the Department of Budget and Management (DBM) on a statewide basis. Adjustments to the fiscal year 2007 allowance for employee and retiree health insurance were made in accordance with instructions from DBM based upon their estimation of the appropriate level of funding required for employee and retiree health insurance.

The Department has referred this question to DBM for further clarification regarding fiscal year 2007 allowance levels for employee and retiree health insurance and the potential for recurring reversions.



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January 25, 2006

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The Honorable James E. DeGrange, Sr.
Chair, Senate Public Safety, Transportation, and Environment Subcommittee
Room 120, James Senate Office Building
Annapolis, Maryland 21401-1991

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